

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGS. 1, 2, 3 and 4. These sheets, which include FIGS. 1, 2, 3 and 4, replace the original sheets including FIGS. 1, 2, 3 and 4. FIGS. 1, 2, 3 and 4 are labeled "PRIOR ART".

REMARKS/ARGUMENTS

In response to the Office Action dated June 22, 2006, claims 1-16 are amended. Claims 1-16 are now active in this application. No new matter has been added.

OBJECTION TO CLAIMS

Claims 4, 6, 7, 10 and 11 are objected to, as containing minor informalities and/or duplicate limitations. By this response, claims 4, 6, 7, 10 and 11 have been amended to correct the minor informalities and/or duplicate limitations.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner notes that there is no antecedent support for reciting "the first area" in line 2 of claim 11.

By this response, claim 11 has been amended to include the limitation of claim 2 which recites the first and second areas. Consequently, withdrawal of the rejection of claim 11 under 35 U.S.C. § 112, second paragraph, is respectfully solicited.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruyama et al. (JP 11-259011) in view of Tanaka et al. (JP 03-146498).

The rejections are respectfully traversed.

Applicants wish to point out that “the stand has a portion that is opposite to an outlet of the duct” is an essential feature of the invention recited in independent claim 1 and a distinguishable effect can be obtained by this essential feature, i.e., “sound output from the duct outlet can be constantly absorbed by and reflected from the base surface of the stand and the stable quality of sounds can be obtained without being affected by the floor material on which television receiver is mounted” (page 14, lines 7 to 11 of the present specification).

Namely, when the television receiver is placed by the stand on a floor, the sounds reproduced by the loudspeaker system are affected by material of the floor on which the receiver is placed. In addition, the material of the floor depends on the place. For example, the sound is easily absorbed by a thick-carpeted floor or easily reflected by the metal-coated floor (page 13, line 22 to page 14, line 1 of the present specification).

The invention, according to independent claim 1, solves the problem that the quality of sounds becomes unstable by being affected by the floor materials on which the receiver is placed.

In contrast, no stand is provided at the opposite position to the duct outlet from which sound comes out in both Maruyama et al. and Tanaka et al.

In Maruyama et al., it is obvious from Fig. 9 that a stand is not provided at the opposite position to a hole for sound output 152 (corresponding to the duct outlet in the present application). Actually, there is a description, “sound is supplied to a user by reflecting from the surface of the table” at [0075] of Maruyama. In Maruyama et al., the sound output from the hole for sound output 152 is supplied to a user side by reflecting from the surface of the table, etc. on which a television receiver is placed. That is to say, as described on page 13, line 23 to page 14,

line 1 of the present application, a disadvantage that a sound quality is affected by material of the floor on which a television receiver is placed is caused by the structure described in Maruyama et al.

The system of Tanaka et al. has a hole for sound output or port but does not have a structure using a stand and has nothing in front of the hole for sound output or the port.

The Examiner maintains that the duct outlet can be arranged facing down so that it is opposite to a portion of the stand. However, neither Maruyama et al. nor Tanaka et al. discloses, describes or suggests the technical idea or advantages of the invention recited in Claim 1 of the present application. Therefore, a person of ordinary skill in the art would **NOT** somehow combine Maruyama et al. and Tanaka et al. to obtain the structure recited in claim 1 (with distinguished effects disclosed in the present invention) without the application of improper hindsight considerations.

Consequently, independent claim 1, and claim 3 depending from independent claim 1, are patentable over Maruyama et al. and Tanaka et al. considered alone or in combination, and their allowance is respectfully solicited.

II. Claims 2, 5, 6, 8, 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruyama et al. in view of Tanaka et al., and further in view of Shiota et al. (USPN 5,825,903).

The rejections of claims 2, 5, 6, 8, 10 and 12 are respectfully traversed.

As claims 2 and 10 depend directly or indirectly from independent claim 1, and Shiota et al. does not disclose a duct, claims 2 and 10 are patentable over Maruyama et al. and Tanaka et al. also, even when considered in view of Shiota et al.

The Examiner contends that it would have been obvious for a person of ordinary skill in the art to apply the not-through (blind) holes in some particular area to have a better integral design on the basis that the system of Shiota et al. has the blind holes (dummy bores 21). However, nothing of the technical idea of the present invention is disclosed in Shiota et al.

The structure, “the second areas in which blind holes are formed are different in peripheral shape and/or size from each other for the first and second loudspeaker”, is one of the essential features of the invention recited in independent claim 5. Also, this essential element presents the well-balanced design for the first and second loudspeaker visually, realizes an excellent external appearance, and maintains the sufficient mechanical strength of a cabinet.

In addition, with the outside diameter size of the second area for the loudspeaker for low frequency sounds being smaller than those for middle and high frequency sounds, more sufficient low frequency sounds can be obtained in comparison with the balance between the low frequency sounds and the middle and high frequency sounds visually obtained, and a favorable impression of the sound effect can be given (page 16, line 25 to page 17, line 9 of the present specification)

Shiota et al. discloses a speaker grille with blind holes (dummy bores) surrounding the through holes provided in the front side of the speaker. However, nothing of the above mentioned essential element of independent claim 5 is disclosed in Shiota et al. and therefore, the invention recited in independent claim 5 cannot be obtained by combining Shiota et al. with

Maruyama et al. and Tanaka et al. The effects of the present invention for obtaining the well-balanced design between speakers and improving the impression of the sound effect cannot be obtained from the structures disclosed in Maruyama et al., Tanaka et al. and Shiota et al. considered alone or in combination.

The Examiner refers to column 2, lines 10-20 of Shiota et al. as suggesting that the shape and size can be freely designed to match the whole system visually. However, neither column 2, lines 10-20, nor anywhere else in Shiota et al. discloses or suggests that there is an additional speaker (corresponding to the first loudspeaker of claim 5) that has a similar grille 1, with the area of dummy bores surrounding the through holes for such additional speaker "different in peripheral shape and/or size" from the corresponding area of dummy bores for each of speakers 5. It should be noted that it is just as realistic to assume that the area of dummy bores surrounding the through holes for such additional speaker would be the "*same*" in peripheral shape and/or size" as the corresponding area of dummy bores for each of speakers 5.

Consequently, a person of ordinary skill in the art is left to speculate as to the peripheral shape and/or size of the area of dummy bores that would surround the through holes for such hypothetical additional speaker. However, the Examiner must provide a *factual* basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). Mere speculation is not a factual basis and is insufficient to establish a *prima facie* case of obviousness.

Thus, independent claim 5 is patentable over Maruyama et al., Tanaka et al. and Shiota et al. considered alone or in combination, as are dependent claims 6, 8 and 12. Consequently the allowance of claims 5, 6, 8 and 12 is respectfully solicited.

III. Claims 4, 9, 11 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruyama et al. (UP 11-259011) in view of Tanaka et al. (UP 03-146498) and Shiota et al. (USPN 5,825,903), and further in view of Hayashi (JP 4-4493).

However, as claims 4 and 11 depend indirectly from independent claim 1, and claims 9 and 16 depend directly or indirectly from independent claim 5, they are patentable over Maruyama et al., Tanaka et al. and Shiota et al., considered alone or in combination, and even when considered further in view Hayashi.

IV. Claims 7 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruyama et al. (UP 11-259011) in view of Tanaka et al. (UP 03-146498) and Shiota et al. (USPN 5,825,903), and further in view of Mizoguchi et al. (USPN 6,381,125).

However, as claims 7 and 13 depend directly or indirectly from independent claim 5, they are patentable over Maruyama et al., Tanaka et al. and Shiota et al., considered alone or in combination, and even when considered further in view Mizoguchi et al.

V. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruyama et al. in view of Tanaka et al., Shiota et al. and Mizoguchi et al. (USPN 6,381,125), and further in view of Hayashi (JP 4-4493).

However, as claim 15 depends indirectly from independent claim 5, it is patentable over Maruyama et al., Tanaka et al. and Shiota et al., considered alone or in combination, and even when considered further in view Mizoguchi et al. and Hayashi.


CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments: Replacement Drawings